



Accredited Certifiers Association, Inc.

Working Group:

Unannounced Inspections

Suggested Best Practices for Unannounced Inspections

8.2010

ACA members support the use of unannounced inspections to monitor compliance with the National Organic Program. We encourage ACA members to implement an unannounced inspection policy and the necessary procedures to address unannounced inspections in a consistent, effective manner.

Our goals in creating these Best Practices for Unannounced Inspections are:

- To improve unannounced inspection procedures
- To raise awareness among aca's of potential solutions to issues surrounding unannounced inspections
- To share knowledge and experiences among the ACA membership

USDA Accredited Certifying Agents have the authority to conduct unannounced inspections under section §205.403(2)(i) and (iii) of the National Organic Program.

While some ACA members may have a stated percentage of unannounced inspections in their procedures, we are not recommending ACA members each establish a percent of unannounced inspections, due to the varying nature of our membership and associated accreditation requirements. We are asking ACA members to support unannounced inspections as a compliance monitoring tool and annually conduct unannounced inspections.

A. Types of Unannounced Inspections

There are two distinct types of unannounced inspections aca's should conduct:

1. Random routine unannounced inspections
These inspections are generally to verify that current conditions are similar to those reported during the most recent organic inspection.
2. Risk Based unannounced inspections, which include "for cause" inspections
Some examples for determining when a Risk Based inspection is conducted are:
 - Complaint about the operator
 - Follow-up to a previous major noncompliance

- Split operations and issues of comingling
- Adjacent land use
- Buffer zone issues
- High input crops

B. General Practices

1. Unannounced inspections are focused on specific areas of an operation, generally are of short duration, are conducted during normal business hours, and are not considered a replacement for the annual on-site inspection.
2. Information should be provided to the operator regarding the aca's authority to conduct an unannounced inspection. This could include:
 - a) a stated policy and procedure in the program operation manual supplied to operators
 - b) a statement in the operators contract, affirmation, or other documents required to be signed by operators agreeing to comply with the regulations
 - c) a letter from the certifying agent supplied to the operators by the inspector at the time of the unannounced inspection, identifying the need for the unannounced inspection (see appendix A & B)
3. Information should be provided to the inspector regarding the unannounced inspection. This could include:
 - a) information on the focus of the unannounced inspection, including appropriate documents from OSP, information on previous noncompliance issues, and the specific information to be obtained during the inspection, etc.
 - b) a letter from the certifying agency to the operators explaining the need for the unannounced inspection
 - c) a badge identifying the inspector as being from a specific certification agency
4. **Prior Notification of an Unannounced Inspection**
 Generally, notification of an impending unannounced inspection is not provided to the operator. However, in some circumstances (such as requiring access to records, travel to an isolated area, or if there are concerns for inspector safety) a brief notice may be given.
5. **Refusal of Inspection**
 Refusal by an operator to undergo an unannounced inspection is grounds for suspension or revocation.
6. Copies of the inspection report and sampling testing results will be provided to the operator at the completion of the review by the certification agency.
7. Noncompliances identified during unannounced inspections will require appropriate corrective actions.
8. Accredited certifying agents are covering the costs for unannounced inspections.

C. Unresolved Issues regarding Unannounced Inspections

1. Exit Interview Requirement

The NOP Rule states [§205.403(b)(2)] that the requirement for conducting an on-site inspection when an authorized representative is present, does not apply to unannounced inspections. However, the Rule [§205.403(d)] does not make an exception to the exit interview requirement for unannounced inspections. If the operator is not present there can be no exit interview conducted.

2. Legal Issues

Are certification agencies in compliance with general law if they conduct an unannounced inspection when the operator, or anyone who can represent the operator, is not present?

Is the operation to be viewed only from outside the property limits?

Are there differing legal implications dependent upon whether the inspector is a contract inspector or a staff inspector?

Are there differing legal implications from state to state?

3. Inspector Safety Issues

Not all unannounced inspections will be amicably received; some may lead to volatile situations. There is concern for the safety of inspectors in the volatile situations.

Some agencies provide clear identification for inspectors and letters to the client explaining the unannounced inspection process. Other agencies will send two inspectors if they believe the situation could prove volatile.

Appendix A

Notice Regarding Unannounced Inspections

TO: [Certification Agency] Clients regarding Unannounced Inspections

FROM: [Certification Agency Staff Person]

You may be handed this notice by a [Certification Agency] inspector that is prepared to conduct an inspection of your operation without prior notice. While this may be a bit of a surprise to you, we hope that you will understand that [Certification Agency] is doing our job as an accredited certification program.

You will not be charged for this inspection. [Certification Agency] pays for the inspector's time and expenses. Generally unannounced inspections are focused on specific areas of your operation and can be significantly less involved than an annual inspection.

Why does [Certification Agency] conduct unannounced inspection?

Because we are required to by the bodies that accredit [Certification Agency]: USDA ISO-65 and USDA NOP.

Why do the accreditation bodies require [Certification Agency] to do this?

Because it encourages all certified clients to comply with the regulations. It shows that certified producers and processors are doing their best to comply with the regulations and willing to prove it. It proves to organic customers that the standards are upheld and that organic really does mean something.

What happens if I refuse the inspector access to my property and facilities?

[Certification Agency's] authority to conduct this inspection is found in the NOP regulation, Section 205.400(c). In addition when you applied to [Certification Agency], and each year when you continue certification, you sign a contract with [Certification Agency] granting us the right to conduct inspections without prior notice. Refusing an inspection or failure to complete an inspection may result in the loss of certification with [Certification Agency].

I appreciate your cooperation with [Certification Agency] today, and I appreciate all your efforts to work with this inspector. [Certification Agency] inspectors are professionals and will work with you to make today's inspection as efficient and quick as possible.

Thank you for your understanding and thank you for being a part of [Certification Agency].

Appendix B Unannounced Inspection Operator Notice Letter

<Date>

<Operator Name>
<Operation Name>
<Mailing Address 1>
<City, State/Province, PC/ZIP>
<Country>

Re: Unannounced Inspection for <Operation Name>, Member/Associate # <number>

Dear <Operator Name>:

This informs you that your operation(s) certified by [Certification Agency] will be inspected in order to verify compliance with the applicable Certification Standards.

[Certification Agency] is required by our accreditors to conduct periodic inspections, both announced and unannounced, in order to maintain our accreditation as a certifying body. This is consistent with our responsibility to assure that the organic integrity of products and processes certified by [Certification Agency] is maintained, and to uphold the credibility of the [Certification Agency] name and mark on products and processes—the name and mark which allow you to market your certified products at a premium.

Unless major compliances are identified, in which case you will be charged at cost, there is no fee for this inspection.

An inspector approved by [Certification Agency], <Inspector Name>, has been authorized to conduct an inspection of your operation at any time during normal business hours within 30 days after the date of this letter.

As is the case for your scheduled annual inspection, on this occasion our inspector has the right to inspect both conventional and organic production units, facilities and records, and to collect samples for residue tests if deemed necessary. We mention this simply to remind you of the authorities that govern this inspection. It is not necessarily anticipated that an inspection of your entire facility will be required.

You will recall that your agreement to these unannounced inspections is documented through your signing [Certification Agency] *Operator Licensing Agreement*.

Thank you for your cooperation with <Inspector Name> as <he/she> carries out work on our behalf. If you have questions, please do not hesitate to contact me.

Sincerely,

<Name>
Certification Coordinator